

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**ACADIA INSURANCE COMPANY,**

**Plaintiff,**

**Case No. 16-cv-00094**

**v.**

**TRI-STATE WATER TREATMENT,  
INC., MICHAEL BAUER, and STACEY  
BAUER,**

**Defendants.**

**CONSENT JUDGMENT**

WHEREAS, the Plaintiff, Acadia Insurance Company ("Acadia"), has filed its Amended Complaint for Declaratory Judgment (Doc. #42) against Defendants Tri-State Water Treatment, Inc. ("Tri-State"), Michael Bauer ("Mr. Bauer"), and Stacey Bauer ("Ms. Bauer"), seeking a declaration that Acadia has and had no duty to defend and/or indemnify Tri-State with respect to a Class Action Counterclaim filed against Tri-State in the Circuit Court for the Third Judicial Circuit, Madison County, Illinois, in case number 15-SC-1407 ("*Bauer* Counterclaim"), and/or with respect to a First Amended Class Action Counterclaim in the same matter ("*Bauer* Amended Counterclaim");

WHEREAS, this Court has jurisdiction over this matter pursuant to 28 U.S.C. §1332(a)(1) in that the citizenship of the parties is completely diverse and the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs;

WHEREAS, the parties have settled the dispute between them;

WHEREAS, the Defendants have waived their right to file an answer and waived any defense(s) which they may have to the entry of judgment, and sufficient reason appearing for the entry of said judgment:

IT IS HEREBY ORDERED that judgment is entered in favor of Acadia and against Tri-State, Mr. Bauer, and Ms. Bauer in the following particulars:

1. Acadia has and had no duty to defend and/or indemnify Tri-State with respect to the *Bauer* Counterclaim and/or the *Bauer* Amended Counterclaim and/or any subsequent amended counterclaims (unless such subsequent amended counterclaim raises new damage claims or new theories of recovery) filed by Mr. Bauer or Ms. Bauer in case number 15-SC-1407, pending in the Circuit Court for the Third Judicial Circuit, Madison County, Illinois.

2. Tri-State, Mr. Bauer, and/or Ms. Bauer shall make no attempt to tender coverage of case number 15-SC-1407, pending in the Circuit Court for the Third Judicial Circuit, Madison County, Illinois, to Acadia.

3. In the event that Tri-State, Mr. Bauer, and/or Ms. Bauer breach any provision of this Consent Judgment, Plaintiff may, at its option, enforce the provision(s) being breached and/or reopen the instant case.

4. Nothing in this Consent Judgment shall be construed to waive, limit, or affect any right, claim, or remedy that any party in this declaratory judgment action may have against any non-party to this action.

5. The parties have consented to the entry of this Consent Judgment as indicated by the signatures below. To this end, the parties stipulate that the

exclusive jurisdiction and venue for any dispute relating to this Consent Judgment is the United States District Court for the Southern District of Illinois.

6. This Consent Judgment is effective immediately upon its entry by the Court.

7. The entry of this Consent Judgment will terminate this case. The Court will retain jurisdiction, solely for the purpose of enforcing the terms of this Consent Judgment, for a period of two (years) after the entry of the judgment.

8. The parties shall endeavor in good faith to resolve informally any differences regarding interpretation of and compliance with this Consent Judgment prior to bringing such matters to the Court for resolution.


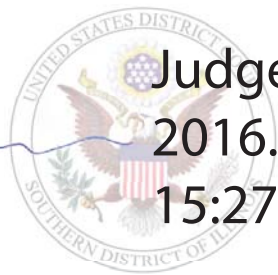
9. Each party to this Consent Judgment shall bear its own costs and attorney's fees associated with this action.

10. This Consent Judgment may be signed by the parties in counterparts. (See Exhibits 1-3).

IT IS FURTHER ORDERED that the Clerk of the Court shall remove this case from the docket.

**IT IS SO ORDERED.**

Signed this 1st of August, 2016.

  Judge Herndon  
2016.08.01  
15:27:22 -05'00'  
**United States District Judge**